

Message Text

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ORIGIN IO-14

INFO OCT-01 ARA-10 ISO-00 CIAE-00 COME-00 EB-07 INR-07

LAB-04 NSAE-00 SIL-01 AF-10 EA-07 EUR-12 NEA-10

OIC-02 DHA-02 OMB-01 TRSE-00 SSO-00 NSCE-00

USIE-00 INRE-00 DODE-00 PM-04 H-01 L-03 NSC-05

PA-01 PRS-01 SP-02 SS-15 /120 R

DRAFTED BY IO/LAB:SWHILDEN:OF

APPROVED BY IO:CWMAYNES

S/IL:T BOWIE

ARA/ECA:FRONDON

IO:GDALLEY

-----161700Z 095347 /53

O R 161621Z JUN 77

FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES IMMEDIATE

INFO USMISSION GENEVA

C O N F I D E N T I A L STATE 139812

E.O. 11652: GDS

TAGS: PLAB, ILO

SUBJECT:ILO - 63RD ILC - ARGENTINA AND THE SPECIAL LIST

REF: (A) BUENOS AIRES 4443 (B) GENEVA 4795(NOTAL-BEING RPT)

1. FOR BUENOS AIRES: AS NOTED PARA 4 REF B, ARGENTINA NOT RPT NOT PUT ON SPECIAL LIST; CITED IN "SPECIAL PARAGRAPH"
A Milder expression of concern. USDEL DID NOT PARTICIPATE IN DISCUSSION OF ARGENTINE CASE.

2. INFORMATION REQUESTED REFTEL FOLLOWS:

(A) ILO MEMBER STATES ARE PUT ON SPECIAL LIST ONLY AFTER
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PERSISTENT AND/OR GROSS VIOLATIONS OF ILO CONVENTIONS WHICH THAT STATE HAS RATIFIED. THE SPECIAL LIST CARRIES WITH IT NO OTHER SANCTION BEYOND WHATEVER PUBLIC OPPROBRIUM THE LISTED STATE MIGHT FEEL AS A RESULT OF BEING LISTED. SPECIAL PARAGRAPH IS MILDEST SANCTION

ILO CAN APPLY. THE

REPORT OF THE ILO COMMITTEE OF EXPERTS (COE) ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS ON ARGENTINA'S OBSERVANCE OF ILO CONVENTION 87: FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE, WHICH ARGENTINA RATIFIED IN 1960, FOLLOWS:

BEGIN TEXT: THE COMMITTEE NOTES THE INFORMATION SUPPLIED BY THE GOVERNMENT IN ITS MOST RECENT REPORT, AS WELL AS THE REPORTS SUBMITTED BY THE COMMITTEE ON FREEDOM OF ASSOCIATION WITH RESPECT TO CASE NO. 842 CONCERNING ARGENTINA.

THE COMMITTEE NOTES ON THE BASIS OF THE AVAILABLE INFORMATION THAT SINCE THE CHANGE IN GOVERNMENT IN MARCH 1976 THE NEW GOVERNMENT HAS PLACED THE GENERAL CONFEDERATION OF LABOUR AND OTHER TRADE UNION ORGANISATIONS UNDER ITS CONTROL, TEMPORARILY SUSPENDED THE ACTIVITIES OF EMPLOYERS' AND WORKERS' ORGANISATIONS EXCEPT AS REGARDS THEIR INTERNAL ADMINISTRATION AND THEIR SOCIAL ACTIVITIES (DECREE NO. 9 OF 24 MARCH 1976) AND ORDERED THAT THE HOLDING OF ELECTIONS AND OF MEETINGS WERE INCLUDED UNDER RESTRICTED ACTIVITIES (LAW NO. 21356 OF 22 JULY 1976).

IN ITS REPORT THE GOVERNMENT STATES THAT IN RECENT YEARS ANOMALIES IN THE ARGENTINIAN TRADE UNION MOVEMENT HAVE BECOME EVIDENT AND HAVE RESULTED IN THE RELEGATION OF THE DEFENCE OF OCCUPATIONAL INTERESTS AND AN INCREASING DIVERGENCE BETWEEN THE WISHES OF MEMBERS AND THE ACTIVITIES OF OFFICERS. THE LACK OF EFFECTIVE PARTICIPATION BY WORKERS
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IN THE LIFE OF THE ORGANISATIONS AND THE DISCRETIONARY USE MADE OF TRADE UNION PROPERTY HAVE AFFECTED THE NORMAL DEVELOPMENT OF TRADE UNION ACTIVITIES. THE GOVERNMENT WAS OBLIGED TO TAKE MEASURES TO RECTIFY THESE DISTORTIONS SO THAT WORKERS COULD DEPEND ON THEIR ORGANISATIONS TO DEFEND EFFECTIVELY THEIR INTERESTS. AS A RESULT, THE GENERAL CONFEDERATION OF LABOUR WAS PLACED UNDER GOVERNMENT CONTROL. AT PRESENT A REFORM OF TRADE UNION LEGISLATION (LAW NO. 20615) IS UNDER CONSIDERATION AND THE GOVERNMENT HAS TAKEN DUE NOTE OF THE COMMENTS MADE BY THE COMMITTEE OF EXPERTS WITH RESPECT TO THOSE PROVISIONS OF THE LEGISLATION WHICH ARE IN CONTRADICTION WITH THE CONVENTION. THE GOVERNMENT ADDS THAT IT WILL SUPPLY THE TEXT OF THE NEW LEGISLATION ONCE IT HAS BEEN APPROVED BY THE COMPETENT AUTHORITIES.

THE COMMITTEE NOTES THE GOVERNMENT'S COMMENTS, BUT CAN ONLY OBSERVE THAT THE MEASURES TAKEN BY THE GOVERNMENT SERIOUSLY INFRINGE THE RIGHT, GUARANTEED BY ARTICLE 3 OF THE CONVENTION, OF WORKERS' AND EMPLOYERS' ORGANISATIONS TO ELECT

THEIR REPRESENTATIVES FREELY, TO ORGANISE THEIR ADMINISTRATION AND ACTIVITIES, AND TO FORMULATE THEIR PROGRAMMES.

THE COMMITTEE TRUSTS THAT THE GOVERNMENT WILL PROCEED AT THE EARLIEST POSSIBLE DATE WITH A NORMALISATION OF THE TRADE UNION SITUATION AND WILL ADOPT NEW LEGISLATION IN THE FIELD IN FULL HARMONY WITH THE STANDARDS CONTAINED IN THE CONVENTION DUE ACCOUNT BEING TAKEN OF THE COMMENTS MADE

BY THE COMMITTEE IN ITS PREVIOUS OBSERVATIONS AND DIRECT REQUESTS, PARTICULARLY AS REGARDS THE SCOPE OF THE EXCLUSIVE RIGHTS GRANTED TO ORGANISATIONS WITH TRADE UNION STATUS, INTERFERENCE BY THE ADMINISTRATIVE AUTHORITIES IN TRADE UNION ACTIVITIES AND COMPULSORY ARBITRATION IN CASES OF LABOUR DISPUTES. (THE GOVERNMENT IS ASKED TO REPORT IN DETAIL FOR THE PERIOD ENDING 30 JUNE 1977.) END TEXT.

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(B) ARGENTINA'S BEST HOPE OF STAYING OFF THE SPECIAL LIST IN THE FUTURE IS TO ASSURE THE ORGANIZATION THAT STEPS WILL BE TAKEN TO NORMALIZE ITS TRADE UNION SITUATION.

(C) BESIDES "DEPOLITICIZING ILO PROCEDURES", THE US GOVERNMENT, WORKER AND EMPLOYER DELEGATIONS ALSO HAVE PLACED A PREMIUM ON THE EVEN-HANDED TREATMENT BY THE ILO OF ALLEGATIONS OF VIOLATIONS OF ILO CONVENTIONS, PARTICULARLY ITS HUMAN RIGHTS CONVENTIONS. IN PURSUING SIMILAR SANCTIONS AGAINST THE USSR AND CZECHOSLOVAKIA, USDEL HAS DETERMINED TO BE EVEN-HANDED WITH RESPECT TO ITS FRIENDS AS WELL. THE US LETTER OF INTENT TO WITHDRAW FROM THE ILO COMPLAINED OF A "DOUBLE STANDARD" IN THE APPLICATION OF ILO HUMAN RIGHTS CONVENTIONS; WE MUST NOT TAKE ACTION WHICH COULD ENGENDER CRITICISM THAT WE OURSELVES WERE APPLYING A DOUBLE STANDARD.

(D) THE CASE OF ISRAEL DIFFERS IN THAT THE COE HAS ONLY JUST TAKEN UP THIS YEAR THE CASE OF ARAB WORKERS. IT HAS ENTERED INTO AN EXCHANGE OF CORRESPONDENCE WITH ISRAEL, BUT HAS NOT HAD TIME YET TO DEVELOP INFORMATION.

3. FOR GENEVA: DEPT UNDERSTANDS USDEL REPORTING DETAILS OF ARGENTINE CASE SEPTEL. CHRISTOPHER

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Message Attributes

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Sent Date: 16-Jun-1977 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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